

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated October 4, 2005.

Substantively, claims 1 and 11 stand rejected on grounds of anticipation by Patten (5,147,204). Claim 7 stands rejected on grounds of obviousness Patten. Claims 2, 3 and 5 stand rejected on grounds of obviousness over Patten, in view of Scott (5,549,634). Claim 6 stands rejected on grounds of obviousness over Patten, in view of Scott, in further view of Lynch (2,503,281). Lastly, claims 8-10 and 12 stand rejected on grounds of obviousness over Patten, in view of Scott and Lynch, in further view of Fregoso (6,611,110). Reconsideration is requested.

OBJECTIONS TO THE SPECIFICATION

The specification is objected to on page 4 because the word "fiber" is spelled in the European manner as "fibre" on lines 3, 8, 12 and 14. In response, applicant has amended the specification at the indicated locations to change "fibre" to "fiber" therein. No new matter is added by these amendments. The Examiner is, therefore, respectfully requested to reconsider and withdraw the objections to the specification.

CLAIM OBJECTIONS

Claims 6 and 10 are objected to due to informalities which amount to spelling errors within the subject claims.

In response, applicant has changed "last" to "least" on line 4 of claim 6. In addition, in the last line of claim 10, "fibre" was amended to "fiber". No new matter has been added by either of these amendments.

The Examiner is thus respectfully requested to reconsider and withdraw the claim objections in light of the amendments to claims 6 and 10.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claim 4 is rejected under 35 U.S.C. §112, Second Paragraph because, due to a typographical error, it depends upon itself, i.e., claim 4.

In response, applicant has amended claim 4 such that it now depends from claim 1. This amendment is believed to overcome the rejection under §112, Second Paragraph. The Examiner is therefore respectfully requested to reconsider and withdraw the rejection of claim 4 under §112.

CLAIM REJECTION UNDER 35 U.S.C. §102

Claims 1 and 11 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S.P. 5,147,204 to Patten et al. These rejection are respectfully traversed.

In response to the rejection under §102(b), applicant has amended claim 1 to incorporate the subject matter previously recited in original claims 2 and 7. Correspondingly, claims 2 and 7 have been canceled from the application without prejudice or disclaimer. No new matter is added by the indicated amendment. As amended, claim 1 is believed to fully distinguish the invention over the disclosure of the Patten et al. reference. Moreover, since claim 11 depends from claim 1, it also incorporates all of the recitations contained in that claim. Thus, claim 11 is believed to distinguish the invention over Patten et al. for the same reasons as claim 1.

In its present form, i.e., as amended, claim 1 relates to a polymerizing lamp for polymerizing dental compounds, wherein the polymerizing lamp comprises optical means for polymerizing the compounds, logic control means for selectively controlling the optical means, and a supporting member comprising two bodies connected to each other by means of joint means enabling the bodies to move with respect to each other between at least two operating positions, wherein a first of the bodies houses the optical means and a second one of the bodies houses the logic control means, and wherein the bodies have respective longitudinal axes, which are substantially parallel to each other when the bodies are in a first of the operating positions, and which form an angle of other than 0° when the bodies are in a second of the operating positions.

The Patten et al. reference, cited to reject the claims, also relates to a polymerizing lamp for polymerizing dental compounds. The Patten et al. lamp comprises optical means (38, 48) for polymerizing the compounds, logic control means (102) for selectively controlling the optical means (38, 48) and a supporting member comprising two bodies (26, 30) housing the optical means (38, 48) and connected to each other by means of joint means as (32, 34) enabling the bodies to move with respect to each other between at least two operating positions. The Patten et al. reference does not disclose, however, or even suggest, to house the logic control means in one of the bodies connected to each other by means of joint means, as in the case of the present invention and as now specifically recited in applicant's (amended) claim 1. On the contrary, in Patten et al. the logic control means (102) are integrated in a completely separate base (14) which supports the handpiece (12). Further to the above, moreover, Patten et al. also does not disclose, as presently recited in applicant's claim 1, to move the bodies to an operating position wherein the longitudinal axes of the bodies form an angle of other than 0°. On the contrary, in the arrangement described in Patten et al.,

the longitudinal axes of the bodies (26, 30) invariably form an angle of 0°.

Thus, as indicated above, claim 1 as amended clearly distinguishes the invention over the Patten et al. reference. Additionally, claim 11 is also believed to be distinguishable due to its dependence on claim 1. For the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1 and 11 under 35 U.S.C. §102(b).

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claim 7 is rejected under 35 U.S.C. §103(a) as allegedly obvious to one of ordinary skill in this art over the Patten et al. reference for the reasons set forth in ¶10 on p. 4 of the Office Action.

As indicated above, however, claim 7 has been canceled from this application without prejudice or disclaimer due to the amendment of claim 1. As such, the above-indicated rejection of claim 7 is rendered moot and the Examiner is thus respectfully requested to withdraw the subject rejection.

Claims 2, 3 and 5 are rejected under 35 U.S.C. §103(a) over Patten et al. ("Patten") in view of U.S.P. 5,549,634 for the reasons given in ¶11 on pps. 4-5 of the Office Action. These rejections are respectfully traversed.

Claim 2 has been canceled without prejudice or disclaimer as indicated above due to the amendment to claim 1. Thus, the rejection of claim 2 under §103 is moot.

As to claims 3 and 5, these claims depend from claim 1 and thus contain, *inter alia*, all of the subject matter recited in that claim. As demonstrated above, claim 1 is clearly distinguishable over the Patten reference and applicant thus submits that Patten should be removed as a reference against claims 3 and 5 as well. Applicant recognizes, however, that the rejection is not based on Patten alone, but rather upon the combination of Patten with the Scott et al. '634 patent. Turning, therefore, to an analysis of the Scott reference, applicant notes that Scott relates to a surgical instrument having a supporting member comprising two bodies (13, 17) having respective longitudinal axes which are substantially parallel to each other when the bodies are in a first of two operating positions and which form an angle of other than 0° when the bodies are in a second of two operating positions.

Thus, Patten and Scott relate to two completely different types of devices and, as such, the disclosure of these two references would not be logically combined by one of ordinary skill in the art of the present invention. That is, one patent, i.e., Patton, relates to a polymerizing lamp which

must comprise optical means and logic control means and which must be as compact as possible to be easily handled by an operator. In contrast, however, the Scott reference is directed to a surgical instrument comprising a fluid conduit (13) connected with a fluid powered motor (17) which rotates a cutting or dissecting tool (21) in response to fluid pressure from fluid conduit (13) [see, e.g, Scott col. 3, lines 24-32]. The bodies in Scott house a fluid connection for operating the fluid-powered motor.

Thus, in light of the above explanation, one of ordinary skill in the art of polymerizing lamps, as described in Patten, would not in any event, look to the technology described in Scott to solve the problem which is dealt with by the present invention. That is, an important aim of the polymerizing lamp of the present invention is to accommodate both optical means and logic control means within a polymerizing lamp. The skilled individual would, therefore, not look to Scott since that reference is not directed to the same field as Patten and the present invention, i.e, it relates to the feeding of hydraulic or pneumatic fluid.

Moreover, even assuming for the sake of argument that one were to combine Patten with Scott, one would still not arrive at applicant's invention as recited, e.g, in claim 1. That is, neither of the subject references teaches or suggests to one skilled in the field of polymerizing lamps how to form a housing containing both the optical means and the logic control means in order to form a very compact polymerizing lamp, and thus avoiding the need for a cumbersome base for supporting the handpiece. On the contrary, Patten teaches how to house only the optical means in the handpiece, i.e, as noted above the logic control means are housed in a completely separate base (14) supporting the handpiece (12).

For the reasons above, therefore, claims 2, 3 and 5 are believed to be completely distinguishable over both Patten and Scott, whether taken alone or in combination. The Examiner is thus requested to reconsider and withdraw the rejection of the subject claims under §103(a) based on the cited combination of references.

Claim 6 is rejected over Patten in view of Scott and further in view of U.S.P. 2,503,281 to Lynch for the reasons set forth in ¶12 on pps. 5-6 of the Office Action. This rejection is respectfully traversed.

Claim 6 depends, indirectly, from claim 1 and thus contains all of the recitations of that claim. Claim 6 is therefore believed to be distinguishable over both Patten and Scott for the reasons discussed above. With regard to the Lynch reference, the subject patent is cited, as noted in the Office Action, due to its disclosure of a retaining means comprising at least two recesses formed on

the first face and at least one tooth formed on the second face, the tooth engaging a recess, or an elastic thrust means acting on the tooth.

Notwithstanding the above, however, Lynch does not disclose, nor even suggest, as recited for example in claim 1, an arrangement wherein a first of two (i.e., first and second) bodies houses the optical means and a second one of the bodies houses the logic control means, and wherein the bodies have respective longitudinal axes, which are substantially parallel to each other when the bodies are in a first of the operating positions, and which form an angle of other than 0° when the bodies are in a second of the operating positions. Thus, even in the event that one of ordinary skill in this art would seek to combine the disclosure of Lynch with that of Patten and/or Scott, they would still not arrive at the presently claimed invention.

The Examiner is thus respectfully requested to reconsider and withdraw the rejection of claim 6 under 35 U.S.C. §103.

Claims 8-10 and 12 are rejected 35 U.S.C. §103 as allegedly unpatentable over Patten in view of Scott and in view of Lynch, and further in view of U.S.P. 6,611,110 to Fregoso for the reasons in ¶13 on pps. 6-7 of the Office Action. The subject rejection is respectfully traversed. Claims 8-10 and 12 all depend, directly or indirectly on claim 1 and thus contain all of the recitations of that claim. Claims 8-10 and 12 are thus believed to be distinguishable over Patten, Scott and Lynch for the reasons presented above. With regard to the Fregoso reference, that patent is cited, according to the Office Action, due to its disclosure regarding a light source comprising at least one LED for emitting blue light in the wavelength range of 400 nm to 540 nm, an optical coupling device interposed between the light source and the optical fiber and a battery (14) for electrically powering the polymerizing lamp.

Notwithstanding the above, however, Fregoso does not disclose, nor even suggest, as recited for example in claim 1, an arrangement wherein a first of two (i.e., first and second) bodies houses the optical means and a second one of the bodies houses the logic control means, and wherein the bodies have respective longitudinal axes, which are substantially parallel to each other when the bodies are in a first of the operating positions, and which form an angle of other than 0° when the bodies are in a second of the operating positions. Thus, even in the event that one of ordinary skill in this art would seek to combine the disclosure of Fregoso with that of Patten, Scott and/or Lynch,, they would still not arrive at the presently claimed invention.

The Examiner is thus respectfully requested to reconsider and withdraw the rejection of claims 8-10 and 12 under ¶103.

The Office Action further states, in ¶14 on p. 7, that the prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Notwithstanding this statement, however, applicant contends that none of the subject references cited but not applied by the Examiner teach or even suggest the invention as presently recited in applicant's amended claims, whether those references are taken alone or in combination with one or more of the references cited above.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue. If the Examiner believes that an interview would advance the prosecution of this application, he is respectfully invited to telephone applicant's representative at the number below to arrange for such an interview.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: January 3, 2006

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